

REMARKS

Favorable reconsideration of the above-identified patent application, in light of the above the following remarks is respectfully requested. The presently pending claims are claims 1-25.

In paragraphs 1-8 of the Office Action, the Examiner rejected claims 1-4, 6-8, 20, 21 and 24 under 35 U.S.C. 103 (a) as being unpatentable over U.S. Patent No. 5,816,232 to Bell (Bell) in view of U.S. Patent Number 5,784,984 to Lodico et al. (Lodico). The Examiner stated that Bell discloses a paintball loader having a housing, a paintball agitating drive cone, a motor, an exit tube, a tube extension, and an optical switch. The Examiner also stated that Lodico discloses a mechanical seed meter comprising a housing, a bow and a resilient flap. Furthermore, the Examiner stated that it would have been obvious to one of ordinary skill in the art to provide the paintball loader of Bell with the resilient flap of Lodico.

In response, the Applicant respectfully disagrees. Lodico discloses a mechanical seed meter having a rotatable bowl. Additionally, Lodico discloses a flexible flap which imparts a light downward force on the seed to "maintain single seeds in the seed receiving cells." (Col. 3, lines 15-17) On the other hand, the Applicant's invention discloses a paintball loader having a pivotable deflector for deflecting paintballs either "downward into the gaps between the fins or upward to pass over the tube extension" for the purpose of preventing jams by causing paintballs to either fall into one of the gaps between the fins or to rise above the tube extension (Page 12, lines 5-8). Lodico does not disclose deflecting the seeds away from a tube extension for the specific purpose of preventing jams. In addition, Lodico does not disclose a pivotable deflector. Rather, Lodico uses a flexible flap

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which does not rotate in the same manner or provide the same deflection functionality of the Applicant's invention.

Additionally, Lodico is an improper reference being a seed meter, which is in a non-analogous art. The seed meter disclosed in Lodico is merely for the dispersal of seeds. The Applicant's invention is specifically for use with paintball loaders which feed paintballs into a paintball gun. Paintball loaders and seeds meters do not perform the same or similar functions and thus are not of an analogous field. Therefore, the withdrawal of the rejection and the allowance of claims 1-4, 6-8, 20, 21 and 24 is respectfully requested.

In paragraph 9 of the Office Action, the Examiner rejected claim 8 under 35 U.S.C. 103 (a) as being unpatentable over the combination of Bell and Lodico and in further view of U.S. Patent No. 5,794,606 to Deak (Deak). The Examiner stated that the combination of Bell and Lodico does not describe a detector that includes an elector-mechanical switch. However, the Examiner stated that Deak discloses a ram feed ammo box that includes an elector-magnetic switch for automatically stopping an electric motor. In addition, the Examiner stated that one of ordinary skill in the art would have found it obvious to provide the combination of Bell and Lodico with the electromagnetic switch of Deak.

In response, the Applicant respectfully disagrees. As discussed above, Lodico does not teach or suggest a pivotable deflector nor does the flexible flap disclosed in Lodico provide the same function as the pivotable deflector claimed in the Applicant's invention. Also, Lodico is an improper reference since the disclosure is specifically for the non-analogous field of seed dispersal rather than

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in the art of paintball guns. Therefore, the withdrawal of the rejection and the allowance of claim 8 is respectfully requested.

In paragraph 10, the Applicant acknowledges the allowance of claim 25.

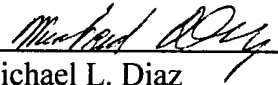
In paragraph 11, the Examiner objected to claims 5, 9-19, 22 and 23 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, the Applicant respectfully disagrees with the objections. For the same reasoning discussed above, Lodico does not properly disclose a pivotable deflector. Additionally, Lodico is an improper reference being from a non-analogous field. Therefore, the withdrawal of the objection and the allowance of claims 5, 9-19, 22 and 23 is respectfully requested.

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CONCLUSION

For all the above reasons, the Applicant respectfully requests the reconsideration and withdrawal of the rejection and the allowance of claims 1-25.

Respectfully submitted,



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